



House of Representatives

General Assembly

File No. 38

February Session, 2012

House Bill No. 5202

House of Representatives, March 19, 2012

The Committee on Labor and Public Employees reported through REP. ZALASKI of the 81st Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING THE ISSUING OF DECISIONS BY MEMBERS OF THE BOARD OF MEDIATION AND ARBITRATION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 31-98 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2012*):

3 (a) The panel, or its single member if sitting in accordance with
4 section 31-93, may, in its discretion and with the consent of the parties,
5 issue an oral decision immediately upon conclusion of the
6 proceedings. If the decision is to be in writing, it shall be signed,
7 [within fifteen] not later than sixty days after the date the proceedings
8 concluded, by a majority of the members of the panel or by the single
9 member so sitting, and the decision shall state such details as will
10 clearly show the nature of the decision and the points disposed of by
11 the panel. Where the decision is in writing, one copy thereof shall be
12 filed by the panel in the office of the town clerk in the town where the
13 controversy arose and one copy shall be given to each of the parties to
14 the controversy. The panel or single member which has rendered an

15 oral decision immediately upon conclusion of the proceedings shall
 16 submit a written copy of the decision to each party within fifteen days
 17 from the issuance of such oral decision. In all cases where a decision is
 18 rendered orally from the bench, the secretary shall cause such oral
 19 decision to be transcribed, approved by the panel or single member as
 20 applicable and filed with the records of the board proceedings.

21 (b) Upon [the conclusion of the proceedings] issuing a decision, each
 22 member of the panel shall receive [one hundred seventy-five dollars,
 23 and on and after July 1, 2006,] two hundred twenty-five dollars and a
 24 panel member who prepares a written decision shall receive an
 25 additional [one hundred twenty-five dollars, and on and after July 1,
 26 2006,] one hundred seventy-five dollars, or the single member, if
 27 sitting in accordance with section 31-93, shall receive [two hundred
 28 seventy-five dollars, and on and after July 1, 2006,] three hundred
 29 twenty-five dollars, provided if the proceedings extend beyond one
 30 day, each member shall receive [one hundred dollars, and on and after
 31 July 1, 2006,] one hundred fifty dollars for each additional day beyond
 32 the first day, and provided further no proceeding may be extended
 33 beyond two days without the prior approval of the Labor
 34 Commissioner for each such additional day.

35 (c) Upon the conclusion of an executive panel session, each member
 36 of such panel shall receive [one hundred dollars, and on and after July
 37 1, 2006,] one hundred fifty dollars.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2012	31-98

LAB *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill makes changes to the timing of payments to arbitrators on the Board of Mediation and Arbitration. These changes may cause the Board to change the way it tracks and budgets for payments to arbitrators. The bill is not expected to have a fiscal impact on the state.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**HB 5202*****AN ACT CONCERNING THE ISSUING OF DECISIONS BY THE BOARD OF MEDIATION AND ARBITRATION.*****SUMMARY:**

By law, arbitrators operating under the Board of Mediation and Arbitration, which administers binding arbitration under the municipal and state employee collective bargaining laws, may issue either oral or written decisions. This bill requires a written decision to be signed no later than 60 days after the proceedings are concluded, rather than within 15 days as under current law. By law and unchanged by the bill, an oral decision issued immediately upon the conclusion of the proceedings must be submitted to the involved parties in writing within 15 days.

The bill also affects the timing of payments to the board's arbitrators. It requires the statutory payments to a single arbitrator or a panel of arbitrators to be made when they issue a decision, rather than when the proceedings conclude.

It leaves the per-day arbitrator payment unchanged. It also removes obsolete language regarding the per-day arbitrator pay.

EFFECTIVE DATE: October 1, 2012

BACKGROUND***Board of Mediation and Arbitration***

The board provides mediation and arbitration services for (1) towns and their municipal unions under the Municipal Employee Relations Act and (2) the state and its employee unions under the State Employee Relations Act. It conducts binding interest arbitration according to those two laws and the board's enabling law.

By law, arbitrators are paid under the schedule shown below.

Arbitrator Payments and Conditions

<i>Arbitrator</i>	<i>Payment</i>
Each member of an arbitration panel	\$225
Panel member who prepares written decision	Additional \$175
Single arbitrator (no panel)	\$325
All arbitrators, each additional day beyond the first*	\$150
*Proceedings cannot extend beyond two days without the prior approval of the labor commissioner for each day	

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable

Yea 8 Nay 2 (03/06/2012)